



***EXECUTIVE
DIRECTOR'S
REPORT***

June 7, 2019

A.

ADMINISTRATIVE MATTERS

Project Title/ Manager; Board Committee	Project Goal (Description)	Estimated Completion Date	Status
ADMINISTRATION COMMITTEE			
<u>1. Workforce Succession Planning</u> Tim Corcoran; Administration Committee	Participate in DMV's effort to update the Department's Workforce and Succession Plan, applicable also to the NMVB. The plan will be aimed at enhancing recruitment practices, reducing the length of time to hire, developing existing staff for upward mobility, and ensuring effective knowledge transfer occurs within the Department.	November 2019	In progress. DMV's Enterprise Risk Management Division is developing proposed initiatives for consideration by DMV's executive team.
<u>2. File Hosting Service for Delivery of Board Meeting Materials and Case Documents</u> Dawn Kindel; Administrative Committee	In March 2019, Mr. Kassakhian requested staff look into file sharing options as an alternative to providing hard copy Board meeting binders. This could also be useful for Judges to access case files and confidential documents. The Board staff is working with DMV concerning the feasibility of this.	November 2019	In progress. A status report will be presented at the November General Meeting.
<u>3. Status Report Concerning Manufacturer and Distributor Compliance with Vehicle Code Sections 3064/3074 and 3065/3075 (Filing of Statutorily Required Schedules and Formulas)</u> Danielle Phomsopha; Administration Committee	Annually letters are sent to all licensed manufacturers and distributors requesting copies of their current delivery and inspection obligations ("PDI"), PDI schedule of compensation, and warranty reimbursement schedule or formula.	January 2020	In progress. A status report concerning manufacturer and distributor compliance will be presented at the January 2020 General Meeting.

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4. <u>Update Guide to the New Motor Vehicle Board</u> Robin Parker; Administration Committee	Update the <i>Guide to the New Motor Vehicle Board</i> to incorporate statutory and regulatory changes.	January 2020	In progress. The revised Guide will be presented at the January 2020 General Meeting.
BOARD DEVELOPMENT COMMITTEE			
1. <u>Host Board Administrative Law Judge Roundtable</u> Robin Parker, Danielle Phomsopha, Board Development Committee	Host a Board Administrative Law Judge (“ALJ”) Roundtable for purposes of education and training. Provide an opportunity for the ALJs to meet in an informal setting, exchange ideas, and offer suggestions to improve the case management hearing process.	To be determined	In progress. An ALJ Roundtable will be scheduled in 2019.
2. <u>Solon C. Soteris Employee Recognition Award Recipient</u> Tim Corcoran; Board Development Committee	Compile the nominations provided by staff and select a nominee for the Solon C. Soteris Employee Recognition Award.	June 2019	In progress. The Committee will select a nominee for the Board to consider at the June 7, 2019 General Meeting.
3. <u>Schedule Board Member Education Presentations</u> Danielle Phomsopha; Board Development Committee	Develop a schedule for prioritizing topics and speakers for Board member education presentations for upcoming meetings.	November 2019	In progress. A schedule of topics and speakers for Board member education will be presented for discussion at the November 2019 General Meeting.
FISCAL COMMITTEE			
1. <u>Quarterly Fiscal Reports</u> Dawn Kindel, Suzanne Luke; Fiscal Committee	Quarterly fiscal reports will be provided to the Committee and scheduled for upcoming Board meetings.	Ongoing	In progress. The 1 st and 2 nd quarter reports for fiscal year 2018-2019 were presented at the January 24

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			and April 10, 2019, General Meetings. The 3 rd and 4 th quarter reports are set for June 7 and November 2019.
2. <u>Status Report on the Collection of Fees for the Arbitration Certification Program</u> Dawn Kindel, Suzanne Luke; Fiscal Committee	The staff will provide a report concerning the annual fee collection for the Department of Consumer Affairs, Arbitration Certification Program.	June 2019	In progress. A status report will be provided at the June 7, 2019, General Meeting.
3. <u>Proposed Board Budget for the Next Fiscal Year</u> Dawn Kindel, Suzanne Luke; Fiscal Committee	The staff in conjunction with the Fiscal Committee will discuss and consider the Board's proposed Budget for fiscal year 2019-2020.	June 2019	In progress. The 2019-2020 Budget will be presented for consideration at the June 7, 2019, General Meeting.
GOVERNMENT AND INDUSTRY AFFAIRS COMMITTEE			
1. <u>Host Industry Roundtable</u> Tim Corcoran, Dawn Kindel, Danielle Phomsopha; Government and Industry Affairs Committee	Host the traditional Industry Roundtable with representatives from car, truck, motorcycle and recreational vehicle manufacturers/distributors, dealers, in-house and outside counsel, associations and other government entities.	September 2019	In progress. For 2019, the Board's Roundtable will be subsumed by the NAMVBC Annual Conference in Sacramento on September 18-21, 2019.

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POLICY AND PROCEDURE COMMITTEE			
1. <u>Promulgate Amendment to the Board's Conflict of Interest Code</u> Danielle Phomsopha; Policy & Procedure Committee	In compliance with the Administrative Procedure Act, amend the Board's Conflict of Interest Code as set forth in Section 599 of Title 13 of the California Code of Regulations. Staff identified language that needed to be updated and clarified including updates regarding electronic filings.	June 2019	In progress. The Board approved the text at the April 10, 2019, General Meeting. Approval is pending with the Office of Administrative Law.
2. <u>Promulgate Amendment to Regulation that Pertains to Substitution or Withdrawal of Counsel</u> Danielle Phomsopha; Policy & Procedure Committee	In compliance with the Administrative Procedure Act, amend Section 551.25 of the Board's regulations to reflect new Rule 1.16 of the California Rules of Professional Conduct. Additional changes address client confidentiality and ensure the Board's regulation does not contain extra requirements that the courts would not require.	January 2020	In progress. The Board approved the text at the January 24, 2019, General Meeting. The Notice was published in the California Regulatory Notice Register on March 22, 2019. No public comments were received.
3. <u>Update the Informational Guide for Manufacturers and Distributors</u> Robin Parker; Policy and Procedure Committee	Update the <i>Informational Guide for Manufacturers and Distributors</i> .	January 2020	In progress. The updated Guide will be considered at the January 2020 General Meeting.
4. <u>Annual Rulemaking Calendar</u> Danielle Phomsopha; Policy and Procedure Committee	Consideration of the annual rulemaking calendar.	January 2020	In progress. The 2019 Rulemaking Calendar will be considered at the January 2020 General Meeting.

Project Title/ Manager; Board Committee	Project Goal (Description)	Estimated Completion Date	Status
5. <u>Report on the Assignment of Cases to Board Administrative Law Judges</u> Danielle Phomsopha; Policy and Procedure Committee	Annual report on the assignment of cases to Board Administrative Law Judges ("ALJs").	January 2020	In progress. A report on the assignment of cases to Board ALJs will be presented at the January 2020 General Meeting.
6. <u>Update New Motor Vehicle Board Administrative Law Judges Benchbook</u> Robin Parker; Policy and Procedure Committee	Update the <i>New Motor Vehicle Board Administrative Law Judge's Benchbook</i> .	March 2020	In progress. In light of the lack of substantive change, there was no 2019 version of the Benchbook. The revised ALJ Benchbook will be considered at the March 2020, General Meeting.
7. <u>Promulgate Amendment to Regulations that Pertain to Peremptory Challenges</u> Danielle Phomsopha; Policy & Procedure Committee	In compliance with the Administrative Procedure Act, amend the peremptory challenge regulation to exclude an intervenor from filing a peremptory challenge. (13 CCR § 551.12) The definition of "party" or "parties" would be amended to clarify that for purposes of a peremptory challenge, an intervenor is not a party. (13 CCR § 550(r)) These amendments are necessary to ensure if a peremptory challenge is filed by the protestant (or petitioner or appellant) and respondent the Board still has ALJs available to preside over the merits hearing.	March 2020	In progress. The Board approved the text at the April 10, 2019, General Meeting. Approval is pending with the California State Transportation Agency.

Project Title/ Manager; Board Committee	Project Goal (Description)	Estimated Completion Date	Status
<u>Draft Proposed Regulation that Amends the Board's Conflict of Interest Code</u> Danielle Phomsopha; Policy & Procedure Committee	In compliance with the Administrative Procedure Act, amend the Board's Conflict of Interest Code as set forth in Section 599 of Title 13 of the California Code of Regulations. Staff identified language that needed to be updated and clarified including updates regarding electronic filings.	April 2019	<u>Completed</u> The proposed regulations were adopted at the April 10, 2019, General Meeting.
<u>Draft Proposed Regulations that Pertain to Peremptory Challenges</u> Robin Parker; Policy & Procedure Committee	In compliance with the Administrative Procedure Act, amend the peremptory challenge regulation to exclude an intervenor from filing a peremptory challenge. (13 CCR § 551.12) The definition of "party" or "parties" would be amended to clarify that for purposes of a peremptory challenge, an intervenor is not a party. (13 CCR § 550(r)) These amendments are necessary to ensure if a peremptory challenge is filed by the protestant (or petitioner or appellant) and respondent the Board still has ALJs available to preside over the merits hearing.	April 2019	<u>Completed</u> The proposed regulations were adopted at the April 10, 2019, General Meeting.
EXECUTIVE COMMITTEE			
<u>1. Revise the Board's Legislation Policy</u> Tim Corcoran; Executive Committee	Review and update the Board's current Legislative Policy.	June 2019	In progress. A memorandum will be presented for consideration at the June 7, 2019, General Meeting.
<u>2. Revise the Board's Mission and Vision Statements</u> Tim Corcoran; Executive Committee	Review and potentially update the Board's Mission and Vision Statements.	June 2019	In progress. A memorandum will be presented for consideration at the June 7, 2019, General Meeting.

Project Title/ Manager; Board Committee	Project Goal (Description)	Estimated Completion Date	Status
3. <u>Review and Consideration of Board Adopted Delegations</u> Robin Parker; Executive Committee	At the March 18, 1997, General Meeting, the Board adopted the former Budget and Finance Committee's analysis of the duties of the Board Members and staff in compliance with the 1996 Performance Audit conducted by Business, Transportation & Housing Agency. These delegations are reviewed by the staff, and amendments are considered as needed by the Board.	June 2019	In progress. This matter is being agendaized for consideration at the June 7, 2019, General Meeting.
4. <u>Board Policy Regarding Confidential Proposed Stipulated Decisions and Orders</u> Robin Parker; Executive Committee	At the request of Ms. Doi, the Board staff drafted a proposed policy concerning the filing a Proposed Stipulated Decisions and Orders in which the parties request they be confidentially maintained and filed under Board seal.	June 2019	In progress. This matter is being agendaized for consideration at the June 7, 2019, General Meeting.

B. CASE MANAGEMENT

CASE VOLUME

MARCH 27, 2019 THROUGH MAY 21, 2019

VEHICLE CODE SECTION	DESCRIPTION	NEW CASES	RESOLVED CASES	PENDING CASES
3060	Termination	3	11	27
3060	Modification	1	0	21
3062	Establishment	4	4	5
3062	Relocation	0	0	2
3062	Off-Site Sale	0	0	0
3064	Delivery/Preparation Obligations	0	0	0
3065	Warranty Reimbursement	1	3	2
3065.1	Incentive Program Reimbursement	1	0	8
3070	Termination	0	0	1
3070	Modification	0	0	0
3072	Establishment	0	0	0
3072	Relocation	0	0	0
3072	Off-Site Sale	0	0	0
3074	Delivery/Preparation Obligations	0	0	0
3075	Warranty Reimbursement	0	0	0
3076	Incentive Program Reimbursement	0	0	0
3085	Export or Sale-for-Resale	0	0	0
3050(c)	Petition	0	0	1
3050(b)	Appeal	0	0	0
TOTAL CASES:		10	18	67

PENDING CASES

BY CASE NUMBER

ABBREVIATIONS			
ALJ	Administrative Law Judge	Bd.Mtg.	Board Meeting
HRC	Hearing Readiness Conference	IFU	Informal Follow-Up
MH	Merits Hearing	CMH	Continued Merits Hearing
RMH	Resumed Merits Hearing	MSC	Mandatory Settlement Conference
CMSC	Continued Mandatory Settlement Conference	RMSC	Resumed Mandatory Settlement Conference
MTCP	Motion to Compel Production	MTC	Motion to Continue
MTD	Motion to Dismiss	PHC	Pre-Hearing Conference
CPHC	Continued Pre-Hearing Conference	RPHC	Resumed Pre-Hearing Conference
PD	Proposed Decision	POS	Proof of Service
PSDO	Proposed Stipulated Decision and Order	ROB	Ruling on Objections
CROB	Continued Ruling on Objections	RROB	Resumed Ruling on Objections
SC	Status Conference	CSC	Continued Status Conference
RFD	Request for Dismissal		
* Consolidated, non-lead case			

Protests

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
1. PR-2470-16 4-23-16	Resumption of conference call with ALJ: 5-22-19	Brown Automotive, Inc. dba Puente Hills Nissan v. Nissan North America, Inc.	P: Victor Danhi R: Lauren Deeb	Warranty
2. PR-2489-17 1-10-17	All Protestants signed a PSDO	Tulare SAG, Inc., dba Lampe Chrysler Dodge Jeep Ram v. FCA US LLC	P: Gavin Hughes, Robert Mayville R: Randy Oyler, Bob Davies, Mary Stewart	Modification
3. PR-2491-17* 1-13-17	All Protestants signed a PSDO	Central Valley Automotive Inc., dba Central Valley Chrysler Jeep Dodge v. FCA US LLC	P: Gavin Hughes, Robert Mayville R: Randy Oyler, Bob Davies, Mary Stewart	Modification

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
4. PR-2492-17* 1-18-17	All Protestants signed a PSDO	Ellis Family Stores, LLC, a California limited liability company, dba Fiat of Glendale v. FCA US LLC, a Delaware limited liability company	P: Tim Robinett R: Randy Oyler, Bob Davies, Mary Stewart	Modification
5. PR-2393-17* 1-18-17	All Protestants signed a PSDO	Mossy Fiat v. FCA, US, LLC	P: Mark H. Nys R: Randy Oyler, Bob Davies, Mary Stewart	Modification
6. PR-2494-17* 1-18-17	All Protestants signed a PSDO	Mossy Alfa Romeo v. FCA, US, LLC	P: Mark H. Nys R: Randy Oyler, Bob Davies, Mary Stewart	Modification
7. PR-2497-17* 1-19-17	All Protestants signed a PSDO	SMAG LP dba Santa Maria FCA Dodge Jeep Ram Fiat v. Fiat Chrysler Automobiles US, LLC	P: Christian Scali, Bert Rasmussen R: Randy Oyler, Bob Davies, Mary Stewart	Modification
8. PR-2499-17* 1-19-17	All Protestants signed a PSDO	Stevens Creek Luxury Imports, Inc. dba AutoNation Alfa Romeo Stevens Creek v. FCA US LLC	P: Gavin Hughes, Robert Mayville R: Randy Oyler, Bob Davies, Mary Stewart	Modification
9. PR-2501-17 1-19-17	Case is tracking corresponding Alfa Romeo/Fiat matters	Stevens Creek Luxury Imports, Inc. dba AutoNation Maserati Stevens Creek v. Maserati North America, Inc.	P: Gavin Hughes, Robert Mayville R: Randy Oyler, Bob Davies, Mary Stewart	Modification
10. PR-2502-17* 1-20-17	All Protestants signed a PSDO	Baker Motors, Inc., a California corporation, dba Bob Baker Fiat v. FCA US LLC, a Delaware limited liability company	P: Wade W. Paulson R: Randy Oyler, Bob Davies, Mary Stewart	Modification

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
11. PR-2503-17* 1-20-17	All Protestants signed a PSDO	Baker Motors, Inc., a California corporation, dba Bob Baker Fiat Alfa Romeo v. FCA US LLC, a Delaware limited liability company	P: Wade W. Paulson R: Randy Oyler, Bob Davies, Mary Stewart	Modification
12. PR-2504-17* 1-23-17	All Protestants signed a PSDO	Costa Arancione, LLC, a California limited liability company, dba Orange Coast Alfa Romeo and Fiat v. FCA, LLC	P: Gregory Ferruzzo R: Randy Oyler, Bob Davies, Mary Stewart	Modification
13. PR-2505-17* 1-23-17	All Protestants signed a PSDO	Costa Arancione, LLC, a California limited liability company, dba Orange Coast Alfa Romeo and Fiat v. FCA, LLC	P: Gregory Ferruzzo R: Randy Oyler, Bob Davies, Mary Stewart	Modification
14. PR-2506-17* 1-23-17	Case is tracking corresponding Alfa Romeo/Fiat matters	Rusnak/Pasadena, dba Rusnak Maserati of Pasadena v. Maserati North America, Inc.	P: Christian Scali R: Randy Oyler, Bob Davies, Mary Stewart	Modification
15. PR-2507-17* 1-23-17	All Protestants signed a PSDO	Rusnak/Pasadena dba Rusnak Alfa Romeo v. FCA US LLC	P: Christian Scali R: Randy Oyler, Bob Davies, Mary Stewart	Modification
16. PR-2511-17* 1-23-17	All Protestants signed a PSDO	Niello Italian Imports, Inc., dba Niello Alfa Romeo v. FCA US LLC	P: Christian Scali R: Randy Oyler, Bob Davies, Mary Stewart	Modification
17. PR-2512-17* 1-23-17	Case is tracking corresponding Alfa Romeo/Fiat matters	Niello Italian Imports, Inc., dba Niello Maserati v. Maserati North America, Inc.	P: Christian Scali R: Randy Oyler, Bob Davies, Mary Stewart	Modification

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
18. PR-2514-17 2-2-17	All Protestants signed a PSDO	HWM Auto Corp., dba McKevitt Fiat of Berkeley v. FCA US LLC	P: Gavin Hughes, Robert Mayville R: Randy Oyler, Bob Davies, Mary Stewart	Modification
19. PR-2515-17 2-2-17	All Protestants signed a PSDO	HWM Auto Corp., dba McKevitt Alfa Romeo v. FCA US LLC	P: Gavin Hughes, Robert Mayville R: Randy Oyler, Bob Davies, Mary Stewart	Modification
20. PR-2518-17 4-3-17	RSC: 6-5-19	Shingle Springs Imports, Inc. dba Shingle Springs Honda v. American Honda Motor Co., Inc.	P: Gavin Hughes, Robert Mayville R: Patricia Britton, S. Keith Hutto, Steve McKelvey, Steven McFarland	Termination
21. PR-2539-17 10-13-17	HRC: 7-3-19 MH: 8-19-19 (10 days)	Barber Group, Inc., a California corporation doing business as Barber Honda v. American Honda Motor Co., Inc., a California corporation	P: Grover H. Waldon, Charles D. Melton, Gavin Hughes, Robert Mayville R: Patricia Britton, S. Keith Hutto, Steven B. McFarland I: Alan Skobin, John Tuell	Establishment
22. PR-2542-17 11-13-17	PHO vacated pending arbitration in court action IFU: 8-1-19	Putnam Automotive, Inc., dba Putnam Subaru v. Subaru of America, Inc.	P: Gavin Hughes, Robert Mayville R: Lisa Gibson	Modification Satellite Warranty Facility
23. PR-2553-18 1-26-18	PHO vacated pending arbitration in court action IFU: 8-1-19	Putnam Automotive, Inc., dba Putnam Subaru v. Subaru of America, Inc.	P: Gavin Hughes, Robert Mayville R: Lisa Gibson	Termination Satellite Warranty Facility

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
24. PR-2559-18 3-16-18	SC: 5-28-19	Asian Pacific Industries, Inc., dba Jaguar Land Rover Stevens Creek (Jaguar) v. Jaguar Land Rover North America, LLC	P: Gavin Hughes, Robert Mayville R: Colm Moran, John J. Sullivan	Franchisor Incentive
25. PR-2560-18* 3-16-18	SC: 5-28-19	Asian Pacific Industries, Inc., dba Jaguar Land Rover Stevens Creek (Land Rover) v. Jaguar Land Rover North America, LLC	P: Gavin Hughes, Robert Mayville R: Colm Moran, John J. Sullivan	Franchisor Incentive
26. PR-2561-18* 3-16-18	SC: 5-28-19	ARBM, Inc., dba Jaguar Livermore v. Jaguar Land Rover North America, LLC	P: Gavin Hughes, Robert Mayville R: Colm Moran, John J. Sullivan	Franchisor Incentive
27. PR-2562-18* 3-16-18	SC: 5-28-19	ARBM, Inc., dba Land Rover Livermore v. Jaguar Land Rover North America, LLC	P: Gavin Hughes, Robert Mayville R: Colm Moran, John J. Sullivan	Franchisor Incentive
28. PR-2563-18* 3-16-18	SC: 5-28-19	British Motor Car Distributors, LTD., dba Jaguar San Francisco v. Jaguar Land Rover North America, LLC	P: Gavin Hughes, Robert Mayville R: Colm Moran, John J. Sullivan	Franchisor Incentive
29. PR-2564-18* 3-16-18	SC: 5-28-19	British Motor Car Distributors, LTD., dba Land Rover San Francisco v. Jaguar Land Rover North America, LLC	P: Gavin Hughes, Robert Mayville R: Colm Moran, John J. Sullivan	Franchisor Incentive

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
30. PR-2569-18 4-26-18	MTD pending additional briefing Opening brief: 6-28-19 Opposing brief: 7-26-19 Reply brief: 8-2-19	RV's-4-Less, Inc., dba RVs 4 Less v. Eclipse Recreational Vehicles, Inc.	P: Gavin Hughes, Robert Mayville R: Mark D. Baute, Artyom Baghdishyan	Termination
31. PR-2571-18 9-6-18	HRC: 9-13-19 MH: 10-28-19 (2 days)	Cevera Automotive Group, LLC dba Veracom Ford v. Ford Motor Company	P: Gavin Hughes, Robert Mayville R: Mark Joseph Kennedy, Duane M. Geck, Donald J. Cram	Termination
32. PR-2572-18 9-13-18	RSC: 5-22-19	PB&J Automotive, Inc., dba Tustin Mazda v. Mazda Motor of America, Inc.	P: Gavin Hughes, Robert Mayville R: Lisa Gibson, Crispin Collins	Relocation
33. PR-2573-18 9-18-18	HRC: 5-31-19 MH: 7-15-19 (5 days)	First Priority Bus Sales, LLC, a New Jersey Limited Liability Company v. The Lion Electric Co., a Canadian corporation, fka Lion Bus Inc.	P: Bert Rasmussen R: Colm Moran	Termination
34. PR-2575-18 11-8-18	MTD: Denied without prejudice HRC: 6-28-19 MH: 8-12-19 (8 days)	Vista Ford Oxnard, LLC, a Limited Liability Company, dba Vista Ford Lincoln of Oxnard v. Ford Motor Company, a corporation	P: Christian J. Scali, Halbert B. Rasmussen, Jade F. Jurdi R: Colm Moran I: Michael Sieving	Relocation

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
35. PR-2576-18 11-14-18	HRC: 5-31-19 MH: 7-15-19 (5 days)	First Priority Bus Sales, LLC, a New Jersey Limited Liability Company v. The Lion Electric Co., a Canadian corporation, fka Lion Bus Inc.	P: Halbert B. Rasmussen R: Colm Moran, Robert Feyder	Termination
36. PR-2577-18 11-27-18	Matter settling after first day of Preliminary Merits Hearing	First Priority Bus Sales, LLC, a New Jersey Limited Liability Company v. The Lion Electric Co., a Canadian corporation, fka Lion Bus Inc.	P: Halbert B. Rasmussen R: Colm Moran, Robert Feyder	Modification
37. PR-2478-18 11-29-18	MTD: Opp.: 5-23-19 Reply: 6-11-19 Hearing: 6-13-19	Vallejo Imports, LLC, a California Limited Liability Company v. Kia Motors America, Inc., a California Corporation	P: Halbert B. Rasmussen R: Colm Moran, Robert Feyder	Termination
38. PR-2579-18 12-7-18	RPHC: 6-3-19	Fairfield Imports, LLC, a California Limited Liability Company v. Toyota Motor Sales, USA, Inc., a California Corporation	P: Christian J. Scali, Halbert B. Rasmussen R: Steve McKelvey, Ronnie McMahon, Rich Otera	Termination
39. PR-2580-18 12-7-18	RPHC: 6-3-19	Fairfield Imports, LLC, a California Limited Liability Company v. Toyota Motor Sales, USA, Inc., a California Corporation	P: Christian J. Scali, Halbert B. Rasmussen R: Steve McKelvey, Ronnie McMahon, Rich Otera	Termination

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
40. PR-2581-18 12-7-18	Proposed Order granting MTD pending 6-7-19 Bd. Mtg.	Maverick Auto Group 2, LLC, a California Limited Liability Company v. Volkswagen Group of America, Inc., a New Jersey Corporation	P: Christian J. Scali, Halbert B. Rasmussen R: Rich Otera, Lauren Deeb, Jessica Higashiyama	Termination
41. PR-2582-18 12-7-18	Proposed Order granting MTD pending 6-7-19 Bd. Mtg.	Fairfield Imports Three, LLC, a California Limited Liability Company v. Hyundai Motor America, a California Corporation	P: Christian J. Scali, Halbert B. Rasmussen R: Rich Otera, Lauren Deeb, Jessica Higashiyama	Termination
42. PR-2583-18 12-7-18	Proposed Order granting MTD pending 6-7-19 Bd. Mtg.	Fairfield Imports Three, LLC, a California Limited Liability Company v. Hyundai Motor America, a California Corporation	P: Christian J. Scali, Halbert B. Rasmussen R: Rich Otera, Lauren Deeb, Jessica Higashiyama	Termination
43. PR-2584-18 12-7-18	MTD: Opp.: 5-23-19 Reply: 6-11-19 Hearing: 6-13-19	Vallejo Imports, LLC, a California Limited Liability Company v. Kia Motors America, Inc., a California Corporation	P: Christian J. Scali, Halbert B. Rasmussen R: Colm Moran, Robert Feyder	Termination
44. PR-2585-18 12-7-18	MTD: Opp.: 5-23-19 Reply: 6-11-19 Hearing: 6-13-19	Vallejo Imports, LLC, a California Limited Liability Company v. Kia Motors America, Inc., a California Corporation	P: Christian J. Scali, Halbert B. Rasmussen R: Colm Moran, Robert Feyder	Termination
45. PR-2586-18 12-11-18	Proposed Order granting MTD pending 6-7-19 Bd. Mtg.	Fairfield Imports Three, LLC, a California Limited Liability Company v. Mitsubishi Motors North America, Inc., a California Corporation	P: Christian J. Scali, Halbert B. Rasmussen R: Lisa Gibson, Lauren Deeb, Crispin Collins	Termination

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
46. PR-2587-18 12-18-18	MTD: Reply: 5-23-19 Hearing: 5-28-19	Fairfield Imports Two, LLC, a California Limited Liability Company v. Nissan North America, Inc., a California Corporation (Nissan)	P: Christian J. Scali, Halbert B. Rasmussen R: Steve Kelso, David Schaller, H. Camille Papini-Chapla	Termination
47. PR-2588-18* 12-18-18	MTD: Reply: 5-23-19 Hearing: 5-28-19	Fairfield Imports Two, LLC, a California Limited Liability Company v. Nissan North America, Inc., a California Corporation (Nissan)	P: Christian J. Scali, Halbert B. Rasmussen R: Steve Kelso, David Schaller, H. Camille Papini-Chapla	Termination
48. PR-2597-18* 12-21-18	MTD: Reply: 5-23-19 Hearing: 5-28-19	Fairfield Imports Two, LLC, a California Limited Liability Company v. Nissan North America, Inc., a California Corporation (Infiniti)	P: Christian J. Scali, Halbert B. Rasmussen R: Steve Kelso, David Schaller, H. Camille Papini-Chapla	Termination
49. PR-2598-18* 12-21-18	MTD: Reply: 5-23-19 Hearing: 5-28-19	Fairfield Imports Two, LLC, a California Limited Liability Company v. Nissan North America, Inc., a California Corporation (Infiniti)	P: Christian J. Scali, Halbert B. Rasmussen R: Steve Kelso, David Schaller, H. Camille Papini-Chapla	Termination
50. PR-2599-18 12-31-18	Order to Show Cause why this Protest should not be dismissed Protestant's response: 5-28-19 Respondent's response: 6-10-19 Hearing: 6-12-19	Motorini, Inc., dba LA Cyclesports v. Vanderhall Motor Works, Inc.	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Jeffrey Whaley, Teresa Shepherd	Termination

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
51. PR-2605-19 1-8-19	HRC: 10-3-19 MH: 11-18-19 (5 days) MSC: 6-26-19	R & H Automotive Group, Inc. v. American Honda Motor Co., Inc., Acura Automotive Division	R: Duncan J. McCreary R: Lauren A. Deeb, Melissa Fletcher Allaman	Franchisor Incentive
52. PR-2613-19 2-14-19	MTD: 5-16-19 Reply: 5-30-19 Hearing: 6-5-19	Roundtree Beverly Hills, LLC, a California Limited Liability Company v. Nissan North America, Inc., a California corporation (Infiniti)	P: Christian Scali, Bert Rasmussen R: Steve Kelso, David J. Schaller, Michele On-ja Choe	Termination
53. PR-2614-19 2-14-19	IFU: 5-23-19	South Bay N Properties LLC, a California Limited Liability Company v. Nissan North America, Inc., a California corporation	P: Christian Scali, Bert Rasmussen R: Steve Kelso, David J. Schaller, Michele On-ja Choe	Termination
54. PR-2615-19 2-14-19	IFU: 5-23-19	Long Beach N Property, LLC, a California Limited Liability Company v. Nissan North America, Inc., a California corporation	P: Christian Scali, Bert Rasmussen R: Steve Kelso, David J. Schaller, Michele On-ja Choe	Termination
55. PR-2616-19 3-6-19	MTD: Opposition: 5-16-19 Reply: 5-30-19 Hearing: 6-5-19	Roundtree Beverly Hills, LLC, a California Limited Liability Company v. Nissan North America, Inc., a California corporation (Infiniti)	P: Christian Scali, Bert Rasmussen R: Steve Kelso, David J. Schaller, Michele On-ja Choe	Termination
56. PR-2617-19 3-20-19	MTD: 6-4-19 Opposition: 6-19-19 Reply: 6-26-19 Hearing: 7-1-19	Paul Blanco's Good Car Company Sacramento dba Paul Blanco's Kia (CA 303) v. Kia Motors America, Inc.	P: Suzanne K. Babb R: Colm A. Moran	Termination

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
57. PR-2618-19 4-12-19	Parties are setting schedule.	Perry Motors of National City LLC dba Perry Chrysler Jeep Dodge RAM of National City v. FCA US LLC, a Delaware limited liability company (Chrysler)	P: Bert Rasmussen, Jade Jurdi, Monica Baumann R: Mark Clouatre, John Streelman, Blake Gansborg, Crispin Collins	Establishment
58. PR-2619-19 4-12-19	Parties are setting schedule.	Perry Motors of National City LLC dba Perry Chrysler Jeep Dodge RAM of National City v. FCA US LLC, a Delaware limited liability company (Jeep)	P: Bert Rasmussen, Jade Jurdi, Monica Baumann R: Mark Clouatre, John Streelman, Blake Gansborg, Crispin Collins	Establishment
59. PR-2620-19 4-12-19	Parties are setting schedule.	Perry Motors of National City LLC dba Perry Chrysler Jeep Dodge RAM of National City v. FCA US LLC, a Delaware limited liability company (Dodge)	P: Bert Rasmussen, Jade Jurdi, Monica Baumann R: Mark Clouatre, John Streelman, Blake Gansborg, Crispin Collins	Establishment
60. PR-2621-19 4-12-19	Parties are setting schedule.	Perry Motors of National City LLC dba Perry Chrysler Jeep Dodge RAM of National City v. FCA US LLC, a Delaware limited liability company (RAM)	P: Bert Rasmussen, Jade Jurdi, Monica Baumann R: Mark Clouatre, John Streelman, Blake Gansborg, Crispin Collins	Establishment
61. PR-2622-19 4-26-19	RPHC: 5-22-19	Bay Area Nissan LLC dba Nissan of San Francisco, a California limited liability company v. Nissan North America, Inc., a California corporation	P: Aaron H. Jacoby, Franjo Dolenac R: Steven M. Kelso, Michele On-ja Choe	Termination

PENDING CASES

BY CASE NUMBER

CASE NUMBER/ DATE FILED	STATUS	PROTEST	COUNSEL	CASE TYPE
62. PR-2623-19 4-26-19	RPHC: 5-22-19	Bay Area Nissan LLC dba Infiniti of San Francisco, a California limited liability company v. Nissan North America, Inc., a California corporation	P: Aaron H. Jacoby, Franjo Dolenac R: Steven M. Kelso, Michele On-ja Choe	Termination
63. PR-2624-19 5-2-19	Parties setting MSC or schedule.	Motorini, Inc., dba LA Cyclesports v. Vanderhall Motor Works, Inc.	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Stephen Hall, Jeff Whaley, Teresa Shepherd	Warranty
64. PR-2625-19 5-2-19	Parties setting MSC or schedule.	Motorini, Inc., dba LA Cyclesports v. Vanderhall Motor Works, Inc.	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Stephen Hall, Jeff Whaley, Teresa Shepherd	Franchisor Incentive
65. PR-2626-19 5-7-19	PHC: 5-22-19	Johnson Ford, Inc., dba Antelope Valley Ford Lincoln v. Ford Motor Company	P: Gavin M. Hughes, Robert A. Mayville, Jr. R: Elizabeth A. McNellie, Marcus McCutcheon	Modification
66. PR-2627-19 5-16-19	PHC: 6-3-19	Infiniti of Sherman Oaks, LLC v. Infiniti Division of Nissan North America, Inc.	P: Jason B. Cruz	Termination

PENDING CASES

BY CASE NUMBER

Petitions

CASE NUMBER/ DATE FILED	STATUS	PETITION	COUNSEL
1. P-460-19 1-16-19	Bd. Mtg.: 8-15-19	California New Car Dealers Association v. Volvo Group North America LLC aka Volvo Cars USA, LLC	P: Michael Cypers, Julie R.F. Gerchik, Lauren H. Bragin R: Colm A. Moran

Appeals

CASE NUMBER/ DATE FILED	STATUS	APPEAL	COUNSEL
		-----None Pending-----	

C. JUDICIAL REVIEW

Judicial Review

Either the Protestant/Petitioner/Appellant or Respondent seeks judicial review of the Board's Decision or Final Order by way of a petition for writ of administrative mandamus (Code of Civil Procedure, § 1094.5). The writ of mandamus may be denominated a writ of mandate (Code of Civil Procedure, § 1084).

1. GENERAL MOTORS LLC v. CALIFORNIA NEW MOTOR VEHICLE BOARD; FOLSOM CHEVROLET, INC. d/b/a FOLSOM CHEVROLET, Real Party in Interest
Los Angeles County Superior Court BS175257
New Motor Vehicle Board No. CRT-276-18
Protest No. PR-2483-16

At the August 13, 2018, General Meeting, the Public Members of the Board adopted ALJ Evelyn Matteucci's Proposed Decision as amended as the Board's final Decision. The Decision sustained the protest and did not permit GM to terminate the protesting dealer's Chevrolet franchise.

On September 27, 2018, General Motors LLC (GM) filed a Petition for Writ of Administrative Mandate. GM contends that in adopting the Proposed Decision, the Board exceeded its jurisdictional authority and committed numerous prejudicial abuses of discretion. GM seeks a peremptory writ of administrative mandate directing the Board to set aside and vacate its Decision and adopt a new and different decision overruling the protest or, in the alternative, to strike down the termination provisions of Sections 3060 and 3061 of the Vehicle Code as unconstitutional on their face and/or as applied. The Board received the writ on October 3, 2018. A copy of the record has been requested and is being copied.

GM contends that: (1) The Board, by its own admission, has never allowed a sales-based termination of a dealer agreement, unless it was accompanied by other grounds for termination; (2) The findings in the Decision are not supported by substantial evidence, its conclusions are not supported by its findings, and it failed to proceed in a manner required by law; (3) The ALJ altered the language of subdivision (g) of Section 11713.3 in order to "broadly and generally find RSI [retail sales index] unreasonable—a conclusion that neither the ALJ nor the Board had jurisdiction to make;" (4) There was no meaningful opportunity to rebut the Proposed Decision; (5) The Decision "invents impossible qualifications on GM's sales performance standards, gutting the terms of valid and binding contracts GM entered into with all of its Chevrolet dealers;" (6) The Board's longstanding refusal to approve sales-based terminations constitutes an underground regulation that cannot be enforced under controlling law and that precludes any claim that the Board is an impartial tribunal in termination cases; and, (7) The language and application of the Vehicle Code's termination provisions are unconstitutional under both the California and United States Constitution, violating basic due process and equal protection rights.

Kathryn Doi, Vice President and Attorney Member, determined there is a State interest at issue in the writ so the Board will participate via the Attorney General's Office. The writ challenges the Board's jurisdiction and could affect future Board cases. Michael Gowe, Deputy Attorney General, has been retained to represent the Board.

GM stipulated to December 10, 2018, as the date for the Board to file its Motion to Transfer Action to the Sacramento County Superior Court, which was scheduled for hearing on Tuesday, April 2, 2019, at 9:30 a.m. in Department 82. Folsom Chevrolet filed a Notice of Joinder in the Board's Motion to Transfer. The hearing on Mark Clouatre's Pro Hac Vice Application was also heard April 2. *The Motion to Transfer was denied. The Pro Hac Vice Application was granted.*

The hearing on the writ is scheduled for January 21, 2020, at 9:30 a.m. GM's opening brief is due November 20, 2019. Folsom Chevrolet's and the Board's oppositions are due December 20, 2019. GM's reply brief is due January 6, 2020.

D.

NOTICES FILED

PURSUANT TO
VEHICLE CODE SECTIONS
3060/3070 AND 3062/3072

NOTICES FILED

PURSUANT TO VEHICLE CODE SECTIONS 3060/3070 AND 3062/3072

MARCH 27, 2019 THROUGH MAY 21, 2019

These are generally notices relating to termination or modification (sections 3060 and 3070) and establishment, relocation, or off-site sales (sections 3062 and 3072).

SECTION 3060/3070	No.	SECTION 3062/3072	No.
ACURA		ACURA	
AUDI		AUDI	
BMW		BMW (includes Mini)	
FCA (Chrysler, Jeep, Dodge, RAM)		FCA (Chrysler, Jeep, Dodge, RAM)	4
FCA (Alfa Romeo, FIAT)		FCA (Alfa Romeo, FIAT)	
FCA (Maserati)		FCA (Maserati)	
FERRARI		FERRARI	
FORD	3	FORD	
GM	1	GM (Buick)	
HARLEY-DAVIDSON		HARLEY-DAVIDSON	
HONDA		HONDA	
HYUNDAI		HYUNDAI	
INFINITI	2	INFINITI	
JAGUAR		JAGUAR/LAND ROVER	
KAWASAKI		KAWASAKI	
KTM		KTM	
KIA		KIA	
LEXUS		LEXUS	
MAZDA		MAZDA	
MERCEDES		MERCEDES	
MINI		MINI	
NISSAN	2	NISSAN	
POLARIS		POLARIS	
PORSCHE		PORSCHE	
SAAB-SCANIA		SAAB-SCANIA	
SUBARU		SUBARU	
SUZUKI		SUZUKI	
TOYOTA		TOYOTA	
VOLKSWAGEN		VOLKSWAGEN	
VOLVO		VOLVO	
YAMAHA		YAMAHA	
MISCELLANEOUS		MISCELLANEOUS	
TOTAL	8	TOTAL	4